

HOUSE BILL 3875

By Hill

AN ACT relative to the courts and legal offices of Washington County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. There is hereby created and established an additional court in and for Washington County, Tennessee, which shall be designated, "Part III, Court of General Sessions in Washington County, Tennessee."

SECTION 2. Part I and II, Courts of General Sessions in Washington County, Tennessee, shall retain the jurisdiction previously conferred upon each court. The additional Part III Court of General Sessions shall have the same terms of court, and the same jurisdiction and powers as are now exercised by the Courts of General Sessions in Washington County, Tennessee. In addition, Part III shall have jurisdiction to hear and decide cases involving alleged violations of environmental ordinances or resolutions. When hearing these violations, the court shall hereinafter be referred to as the county's environmental court. The judges of Parts I and II, and the judge of Part III of the Court of General Sessions are authorized to interchange with each other where necessary for the efficient dispatch of cases and judicial business.

The office, powers, duties and responsibilities of the Clerk of the Circuit Court shall be enlarged to include the work of the additional Part, and the clerk, or the clerk's designee, shall attend the additional Part when it is in session. The Circuit Court Clerk, when performing the duties of the office shall charge all fees and shall be entitled to receive such fees and charges as shall be fixed from time to time for the county by the general laws of the state. All such fees, when collected, shall be fully accounted for and disbursed as fees and charges as is similarly done by the other courts operating and functioning in Washington County, Tennessee.

SECTION 3. The first judge of Part III of the Court of General Sessions shall be elected by the Board of County Commissioners of Washington County, Tennessee. The person so elected shall commence service on January 1, 2013, and serve until August 31, 2014, or until such judge's successor is elected and qualified. Thereafter, a judge for Part III shall be elected for a full eight (8) year term. The judge of such additional Part III shall exercise all of the powers and receive the same compensation as do the other General Sessions judges of Washington County, Tennessee. The judge of the additional Part III shall devote all working time to the duties of the office and shall not engage in the practice of law while serving as a judge.

SECTION 4. In addition to other powers granted herein, the judges of Parts I, II and III of the Court of General Sessions in Washington County are hereby granted the power to issue injunctions, both mandatory and prohibitory, such power to be exercised as provided for in Rule 65 of the Tennessee Rules of Civil Procedure and is hereby empowered to order any defendant found guilty of violating any ordinance or resolution relating to health, housing, fire, land subdivision, building or zoning to correct such violation at the defendant's own expense. In all cases involving the alleged violation of any ordinance or resolution relating to health, housing, fire, land subdivision, building or zoning, the judge of the additional Part shall have the power to appoint a master in aid of the court. The appointment, powers and duties of such masters shall be as set forth in Rule 53 of the Tennessee Rules of Civil Procedure.

The judges of Parts I, II and III of the Court of General Sessions in Washington County, Tennessee, shall have the power to punish any person for contempt who, having been ordered to correct a violation of any county ordinance or resolution relating to health, housing, fire, land subdivision, building or zoning, willfully fails to obey such an order within the designated day and at the designated time as given by such court order. The punishment for contempt in each such case is limited to a fine of fifty dollars (\$50.00) and imprisonment not exceeding five (5) days for each such violation.

Notwithstanding any provision of law to the contrary, the judges of the County General Sessions Court shall have the jurisdiction to try and dispose of violations of municipal ordinances pursuant to the terms of an intergovernmental agreement between any municipal

government in Washington County and the county government; provided, that a certified copy of all ordinances of the municipality to be enforced pursuant to such intergovernmental agreement shall have been filed with the judge of the Part.

SECTION 5. The judges of Part I, Part II and Part III shall from time to time be authorized and empowered to adopt joint rules of practice and procedure for the courts, provided that they are not inconsistent with the substantive and procedural laws of the state relative to the matters of the jurisdiction of the courts and that they are not otherwise inconsistent with such rules as may from time to time be promulgated by any superior court having supervisory jurisdiction over the courts.

SECTION 6. All laws and portions of laws, in conflict with Sections 1 through 5 of this act are repealed on January 1, 2013.

SECTION 7. The office of the County Attorney for Washington County, Tennessee, is hereby created and established and shall exist at all times from and after September 1, 2012.

SECTION 8. The County Attorney for Washington County, Tennessee, created pursuant to Section 7, shall be selected by, employed by, report to, and serve all needs and pleasures of the Washington County, Tennessee, Board of County Commissioners. Unless otherwise provided for by the Board of County Commissioners, the County Attorney shall act as general counsel for Washington County and perform all duties associated with that position.

SECTION 9. The office of the County Attorney for Washington County, Tennessee, at the discretion of the Washington County, Tennessee, Board of County Commissioners may be established as a full-time or part-time office.

SECTION 10. A separate office of County Staff Attorney for Washington County, Tennessee, may also be established for additional legal services as a full-time or part-time office at the discretion of the Washington County, Tennessee, Board of County Commissioners.

SECTION 11. The Washington County, Tennessee, Board of Commissioners under this act shall determine the compensation, term of office, duties and responsibilities, qualifications, job description, and operational needs of all attorneys employed by Washington County, Tennessee.

SECTION 12. The Washington County, Tennessee, Board of County Commissioners may establish a Legal Services Oversight Committee to assist it in establishing and overseeing all attorneys employed by Washington County, Tennessee.

SECTION 13. The Washington County, Tennessee, Board of County Commissioners may employ special counsel when, in its sole discretion, such counsel is needed.

SECTION 14. The County Attorney shall have the same powers and authority as Tennessee county attorneys have under general laws.

SECTION 15. Nothing contained within this act shall prohibit the Washington County, Tennessee, Board of County Commissioners from commencing with their duties under this act prior to September 1, 2012.

SECTION 16. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Washington County, Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of Washington County, Tennessee, Board of County Commissioners and certified to the secretary of state.

SECTION 17. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 16. For the purpose of selecting and organizing any Legal Services Oversight Committee and making all necessary preparations for this Act to be implemented on September 2, 2012, Sections 7 through 15 shall take effect upon becoming a law, the public welfare requiring it. Sections relative to the County Attorney shall take effect September 1, 2012, the public welfare requiring it. Sections 1 through 6 relative to general sessions court shall take effect January 1, 2013, the public welfare requiring it.